



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,900	09/19/2001	Makoto Inoue	01309.00015	2911

7590 01/12/2005

Frank D Wolffe
Banner & Witcoff
Eleventh Floor
1001 G Street NW
Washington, DC 20001-4597

EXAMINER

HO, THOMAS Y

ART UNIT PAPER NUMBER

3677

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,900

Applicant(s)

INOUE ET AL.

Examiner

Thomas Y Ho

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27,29,30,32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27,29,30,32 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Claims

Claims 1-27, 29-30, and 32-33 are pending. Claims 28 and 31 have been withdrawn or cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/04 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 17, 22-27, 29-30, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772.

As to claim 1, Sharp discloses: distribution support equipment configured with a computer system, customer-side equipment 120, distributor-side equipment 140, and supplier-side equipment 130, each equipment being accessible to the computer system through a communication channel 150 for supporting distribution related to business dealings among customers corresponding to the customer-side equipment, distributors including dealers

Art Unit: 3677

corresponding to the distributor-side equipment, and suppliers corresponding to the supplier-side equipment, the computer system comprising: a database storing customer information and respective merchandise distribution routes (see “order fulfillment/delivery” arrows in Figure 1) through which each of plural sorts of merchandise ordered by each of the customers is delivered to the customer; the merchandise distribution routes being determined by the distributors and suppliers selected (Col. 1, Ln. 55-60); customer specifying means for specifying a customer who has access to the computer system from respective customer-side equipment; route specifying means for specifying each of the merchandise distribution routes for the plural sorts of merchandise by accessing the database and then separating one route from another upon receipt of order signals from the customer specified by the customer specifying means to deliver the plural sorts of merchandise to the customer (Col. 3, Ln. 14-35); first ordering means for automatically generating orders online to dealers of distributor-side equipment on respective merchandise distribution routes specified by the route specifying means; and second ordering means for automatically generating orders online to suppliers of supplier-side equipment on respective merchandise distribution routes specified by the route specifying means; thereby placing automatic orders to the dealers and suppliers on respective merchandise distribution routes with the first ordering means and the second ordering means.

The difference between the claim and Sharp is the claim recites: the database storing registered customer IDs. Although it is obvious that the system in Sharp stores customer information (required for delivery), it may not be specifically disclosed. Walker discloses a method of performing e-commerce similar to that of Sharp. In addition, Walker further teaches that the system maintains a database of IDs for registered customers (Col. 16, Ln. 41-54). It

Art Unit: 3677

would have been obvious to one of ordinary skill in the art, having the disclosures of Sharp and Walker before him at the time the invention was made, to modify the system in Sharp to have the customer database as in Walker. One would have been motivated to make such a combination because the ability to store important customer information would have been achieved, as taught by Walker (Col. 16, Ln. 45-55).

As to claim 2, Sharp discloses: wherein the route specifying means is configured to separate the merchandise distribution routes from each other on the basis of product number and category of each of the merchandise items according to predetermined settings (Col. 3, Ln. 14-35). The computer program specifies routes on the basis of the type of merchandise, and the allocation scheme.

As to claim 3, Sharp discloses: wherein the information processing means is provided with directed-at-dealer ordering means for automatically placing orders to dealers serving as order receivers of respective merchandise routes according to the order signals received from the customer at a time (Col. 3, Ln. 14-35).

As to claim 4, Sharp discloses: wherein the information processing means is provided with directed-at-supplier and wholesaler ordering means for allowing a dealer having received orders from the customer to automatically place orders to different suppliers or wholesalers depending upon product numbers and categories of ordered merchandise items according to predetermined settings (Col. 3, Ln. 14-35).

As to claim 5, Sharp discloses: wherein the information processing means is provided with shipment instruction means for allowing a dealer having received orders from the customer

Art Unit: 3677

to automatically give shipment instructions to different deliverers depending upon areas and ordered merchandise items according to predetermined settings (Col. 5, Ln. 44-47).

As to claim 6, Sharp discloses: further comprising selling price setting means for automatically setting a final selling price of a merchandise item for a customer giving an order for the merchandise item by adding a profit ratio (shipping and handling charges) for a distributor involved in a merchandise distribution route specified by the route specifying means to a selling price set by a supplier (Col. 5, Ln. 10-15).

As to claim 7, Sharp discloses: further comprising sales and buying management means for managing unit selling price and unit buying price for each distributor or supplier according to predetermined settings while automatically providing each distributor with sales and buying information based on delivery information (Col. 5, Ln. 10-15).

As to claim 8, Sharp discloses: further comprising billing support means for automatically calculating expenses and providing a billed part with information of the expenses thus calculated according to billing conditions stored in a billing condition database storing various billing conditions in relation to delivery, distribution and the like when the billed part wants the information (Col. 5, Ln. 10-15).

As to claim 9, Sharp discloses: further comprising billing and payment management support means for supporting billing and payment management at each supplier or distributor on the basis of sales and buying information according to predetermined settings.

As to claim 10, Sharp discloses: further comprising task apportion support means for allowing dealers to apportion a power of setting in respect of sharing of tasks inherent to a dealer function including customer's ID setting, customer selling price setting and delivery condition

Art Unit: 3677

setting on a task-by-task basis according to an agreement previously made between the plurality of dealers having overlapping tasks. Each dealer has the ability to take customer information, set selling prices, and delivery conditions, while agreeing to follow the allocation procedure programmed into the system.

As to claim 11, Sharp discloses: further comprising purchasing management means for automatically performing purchasing management of a customer according to purchasing management conditions determined by a combination of the customer and customer information specified by the customer specifying means and product number of a merchandise item ordered by the customer (Col. 4, Ln. 2-4). The purchasing management means is the credit card company which sets limits/conditions.

As to claim 12, Sharp discloses: wherein the purchasing management means is provided with purchased merchandise classification management means for automatically setting and managing an account item code used in an organization to which the customer belongs depending upon a combination of the customer and customer information comprising a budget management limit in the organization specified by the customer specifying means and the product number of a merchandise item ordered by the customer.

As to claim 17, Sharp discloses: further comprising free form ordering means for allowing a customer to designate a previously registered dealer to which the customer is capable of addressing an inquiry about an order for a merchandise item which has previously not been established through the customer-side equipment as well as for performing sales management handling the merchandise item as a special handling merchandise item according to an agreement made between the customer and the dealer in relation to the inquiry. Any order can

Art Unit: 3677

be accessed from any computer, even a computer that was not used for establishing a previous order. The internet allows any computer to access the order information, track an order using a tracking number.

As to claim 22, Walker teaches: further comprising application support means for registering an unspecified number of users having made contact with the computer system as customers capable of business dealing through the computer system, the application support means having a function allowing a user to designate a specific dealer by referencing data of dealers previously registered when the user applies for registration.

As to claim 23, Sharp discloses: further comprising customer registration means for allowing a dealer designated by a user to register the user as a customer of the dealer in the computer system.

Walker also teaches registering customers.

As to claim 24, Sharp discloses: further comprising merchandise information database maintenance means for storing information of handleable merchandise items in a merchandise information database incorporated in the computer system and allowing a supplier contacting the computer system to register information of at least merchandise items supplied from the supplier itself in the merchandise information database or renew the information registered in the database. An inventory is a merchandise information database (Col. 5, Ln. 47-55).

As to claim 25, Sharp discloses: further comprising purchasing system linkage means for linking up with other distribution support equipment and providing customers utilizing the other distribution support equipment with merchandise information stored in the computer system as information of an original merchandise assortment and purchase prices previously established on

Art Unit: 3677

a customer-by-customer basis by matching merchandise categories established in the computer system with those established in the other distribution support equipment.

As to claim 26, Sharp discloses: further comprising supplier linkage means for linking up with a supplier having an original computer system accumulating its own merchandise information to obtain the merchandise information through the computer system of the distribution support equipment.

As to claim 27, Sharp discloses: wherein the supplier linkage means is configured to enable the merchandise information accumulated in the supplier's computer system to be utilized as merchandise information of the computer system of the distribution support equipment by synchronizing the merchandise categories established in the computer system of the distribution support system with those established in the supplier's computer system and applying a ratio variable price established for each merchandise category to a selling price of a merchandise item belonging to each merchandise category established in the supplier's computer system.

As to claim 29, Sharp discloses: distribution support equipment configured with a computer system, customer-side equipment, distributor-side equipment, and supplier-side equipment, each equipment being accessible to the computer system through a communication channel for supporting business dealings among customers corresponding to the customer-side equipment, distributors including window contacting customers corresponding to the distributor-side equipment, and suppliers corresponding to the supplier-side equipment, the computer system comprising: a database storing customer information and respective business transaction routes through which each of plural sorts of services ordered by each of the customers is provided to the customer; the business transaction routes being determined by the selected

Art Unit: 3677

distributors and suppliers; customer specifying means for specifying a customer who accessed the computer system from respective customer-side equipment; route specifying means for specifying each of the business transaction routes for the plural sorts of services by accessing the database and then separating one route from another upon receipt of order signals at a time from the customer specified by the customer specifying means to provide the customer with the plural sorts of services; first ordering means for automatically generating orders online to window contacting customers of the distributor-side equipment on respective business transaction routes specified by the route specifying means; and second ordering means for automatically generating orders online to suppliers of the supplier-side equipment on business transaction routes specified by the route-specifying means: thereby placing automatic orders to the window contacting customers and suppliers on respective business transaction routes with the first ordering means and the second ordering means.

Walker teaches: registered customer IDs in the database.

As to claim 30, Sharp discloses: further comprising purchasing management means for automatically performing purchasing management on a customer-by-customer basis according to preset purchasing management conditions determined by a combination of the customer specified by the customer specifying means and the sorts of services ordered by the customer (Col. 5, Ln. 55-62).

As to claim 32, Sharp discloses: wherein the distributors comprise dealers, wholesalers, or both.

As to claim 33, Sharp discloses: wherein the distributors comprise dealers, wholesalers, or both.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772, and further in view of Haymann US5365046.

As to claim 13, the difference between the claim and Sharp is the claim recites: wherein the purchasing management means is provided with approval route management means for automatically performing purchasing management related to judgment as to whether or not approval is necessary, a maximum sum of money not requiring approval, an approver, an approval route and the like according to purchase regulations stipulated by the organization to which a customer belongs depending upon a combination of the customer and customer information specified by the customer specifying means and the product number of a merchandise item ordered by the customer. Haymann discloses an e-commerce system similar to that of Sharp (both running credit card validity checks). Haymann further teaches approval route management means (Col. 3, Ln. 30-68), wherein the max sum of money not requiring approval is the maximum level permitted for unauthorized transactions. It would have been obvious to one of ordinary skill in the art, having the disclosures of Sharp and Haymann before him at the time the invention was made, to modify the credit card validation in Sharp to have the management means of Haymann. One would have been motivated to make such a combination because the ability to add a level of security would have been achieved, as taught by Haymann.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772, and further in view of Loghmani US6377927.

As to claim 14, the difference between the claim and Sharp is the claim recites: wherein the purchasing management means is provided with power setting means for managing the entitlement of a customer to placing orders in an organization to which the customer belongs

Art Unit: 3677

while judging whether each customer is entitled to a referencing power or an ordering power. Loghmani discloses an e-commerce system similar to that of Sharp. In addition, Loghmani further teaches power setting means judging whether a customer has ordering power or referencing power (Col. 6, Ln.45-67; Col. 7, Ln. 1-18). It would have been obvious to one of ordinary skill in the art, having the disclosures of Sharp and Loghmani before him at the time the invention was made, to modify the system of Sharp to have power setting means, as in Loghmani. One would have been motivated to make such a combination because the ability to allow a company to control its accounts would have been achieved, as taught by Loghmani.

As to claim 15, Loghmani teaches: wherein the purchasing management means is provided with manager support means for providing a manager in an organization to which a customer belongs with purchasing information of each customer in the organization thereby allowing the manager conduct centralized management of a purchase budget of the organization.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772, and further in view of DiAngelo US6101482.

As to claim 16, the difference between the claim and DiAngelo is the claim recites: further comprising customer-by-customer based menu management means for enabling customization of setting of a picture displayed on the customer-side equipment and necessary functions of the customer-side equipment on a customer-by-customer basis. DiAngelo discloses an e-commerce system similar to that of Sharp. In addition, DiAngelo further teaches menu management means for enabling customization (Col. 5, Ln. 9-17, Ln. 35-50). It would have been obvious to one of ordinary skill in the art, having the disclosures of Sharp and DiAngelo before him at the time the invention was made, to modify the system of Sharp to have the menu

Art Unit: 3677

management means of DiAngelo. One would have been motivated to make such a combination because the ability to extend and/or customize functionality would have been achieved, as taught by DiAngelo (Col. 5, Ln. 9-11).

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772, and further in view of Ortega US6489968.

As to claim 18, the difference between the claim and Sharp is the claim recites: further comprising customer-by-customer based merchandise setting means for establishing at least settings of original categories, names and the like of merchandise items on a customer-by-customer basis aside from categories and names of handleable merchandise items established in the computer system as well as for enabling merchandise item retrieval based on the settings thus made. Ortega discloses a system for e-commerce similar to that of Sharp. In addition, Ortega further teaches merchandise setting means (Col. 2, Ln. 50-55). It would have been obvious to one of ordinary skill in the art, having the disclosures of Sharp and Ortega before him at the time the invention was made, to modify the system of Sharp to include a merchandise setting means, as in Ortega. One would have been motivated to make such a combination because the ability to reflect the user's known interests would have been achieved, as taught by Ortega (Col. 2, Ln. 50-55).

As to claim 19, Ortega teaches: further comprising customer's set product number management means for allowing a customer to establish a plurality of product numbers as a set aside from product numbers of merchandise items established in the computer system thereby enabling management based on a customer's own single set product number and to place an order also based on the set product number (Col. 2, Ln. 35-67; Col. 3, Ln. 1-5, Ln. 15-20).

Art Unit: 3677

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772, and further in view of Andrews US6285986.

As to claim 20, the difference between the claim and Sharp is the claim recites: further comprising supplier's set product number management means for establishing a set of product numbers of plural merchandise items for which a supplier is capable of receiving an order if the merchandise items are combined into a finished product and which are established as plural merchandise items in the computer system thereby enabling an order based on a single set product number. Andrews discloses a system for e-commerce similar to that of Sharp. In addition, Andrews further teaches management means for creating a set/bundle from separate items (Col. 2, Ln. 48-67; Col. 3, Ln. 5-10). It would have been obvious to one of ordinary skill in the art, having the disclosures of Sharp and Andrews before him at the time the invention was made, to modify the system of Sharp to have a management means, as in Andrews. One would have been motivated to make such a combination because the ability to advertise and sell products as a unit would have been achieved, as taught by Andrews (Col. 2, Ln. 52-56).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp US6263317 in view of Walker US6249772, and further in view of Martin US5809479.

As to claim 21, the difference between the claim and Sharp is the claim recites: further comprising automatic delivery time calculation means for automatically calculating a due date for delivery of a merchandise item ordered by a customer by referencing at least delivery situation of a deliverer and working dates of the customer. Martin discloses a system for delivery similar to that of Sharp. In addition, Martin further teaches calculation means (Col. 3, Ln. 1-15, Ln. 55-67; Col. 4, Ln. 1-10). It would have been obvious to one of ordinary skill in the

Art Unit: 3677

art, having the disclosures of Sharp and Martin before him at the time the invention was made, to modify the delivery system of Sharp to have calculation means, as in Martin. One would have been motivated to make such a combination because the ability to set appropriate ship dates would have been achieved, as taught by Martin.

Response to Arguments

Applicant's arguments with respect to claims 1-27, 29-30, and 32-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH


ROBERT J. SANDY
PRIMARY EXAMINER